

07/06/00
1c603 U.S. PRO

July 6, 2000

#2/AR
10-28-00
M.L.
1c675 U.S. PRO
09/611415
07/06/00

Hon. Assistant Commissioner for Patents
Box Patent Appln
Washington, D.C. 20231

Re: New Nonprovisional Continuation, Division or Continuation-In-Part
Patent Application under 37 CFR §1.53(b) in U.S.
Applicant(s): John Barthelow Classen
Title: METHOD AND COMPOSITION FOR AN EARLY VACCINE TO PROTECT
AGAINST BOTH COMMON INFECTIOUS DISEASE AND CHRONIC IMMUNE
MEDIATED DISORDERS OR THEIR SEQUELAE
Atty's Docket: CLASSEN=1C

Sir:

1. [X] The present nonprovisional application is a [X] Continuation
[] Divisional [] Continuation-in-part of prior application No.
08/591,651. This application is not a CPA. The prior
application is not being abandoned in favor of this application.
[X] Incorporation By Reference. The entire disclosure of the prior
application, from which a copy of the oath or declaration is
supplied herewith, is considered as being part of the disclosure
of the accompanying application and is hereby incorporated by
reference therein.
2. Attached herewith is the above-identified nonprovisional application
under 37 CFR §1.53(b) for Letters Patent including:
- [X] Specification (110 pages), claims (10 pages) and abstract (1
page). The [X] specification [] claims and [X] abstract are
copies of those filed in prior application no. 08/591,651. The
claims are new.
- [X] 3 Sheets Drawings (Figures 1-3).
[] Formal [X] Informal
[X] Figs. 1-3 of the drawings are copies of those filed in
prior application no. 08/591,651.
[] Figs. _____ of the drawings are new.
- [X] Declaration and Power of Attorney (1 page)
[] Newly executed [X] Copy from prior application no. 08/591,651
[] Preliminary Amendment
[] Supplemental Preliminary Amendment
[] Information Disclosure Statement with () references
[X] PTO-1449 or PTO-892 forms from prior applications: 08/591,651 and
08/104,529
[] A verified statement to establish small entity status under 37
CFR §1.9 and 37 CFR §1.27
[X] A verified statement claiming small entity status was filed on
February 12, 1996 in prior application no. 08/591,651. Status is
still proper and desired.

If no declaration is attached, or the basic filing fee is not paid,
accord this application a filing date, and notify counsel pursuant to 37 CFR
§1.53(f).

Note: Do Not use this form for filing an original application.

2

- [] A check in the amount of \$_____ (check no.) to cover:
 [X] Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$763.00 is attached.
 [X] The filing fee calculated as follows:

CLAIMS AS FILED				
FOR	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$ 690.00
TOTAL CLAIMS	58 - 20=	38	x 22	836.00
INDEPENDENT CLAIMS	2 - 3=	0	x 82	0
[] Multiple Dependent Claim Presented			x270	
[] Reduction of 1/2 for small entity				- \$ 763.00
			TOTAL FILING FEE	\$ 763.00

- [] Any additional fee required by the filing of an enclosed preliminary or supplemental preliminary amendment has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	CALCULATION
TOTAL	*	MINUS **	=	x \$ 22.00	\$
INDEP	*	MINUS ***	=	x \$ 82.00	\$
[] Multiple Dependent Claim Presented				x \$270.00	\$
Total of Above Calculations =					\$
Reduction by 1/2 for filing by small entity					- \$
Total Additional Fee =					\$

- [] _____
 [X] Return Receipt Postcard (in duplicate)

de

3. The following inventor(s) were named in the prior application:

FULL NAME OF INVENTOR	FAMILY NAME	FIRST NAME GIVEN	SECOND NAME GIVEN
	CLASSEN	John	Barthelow
RESIDENCE & CITIZENSHIP	CITY	STATE OR COUNTRY	CITIZEN OF
	Baltimore	Maryland	U.S.
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	ST. & ZIP/COUNTRY
	6517 Montrose Avenue	Baltimore	Maryland 21212
FULL NAME OF 2ND INVENTOR	FAMILY NAME	FIRST NAME GIVEN	SECOND NAME GIVEN
RESIDENCE & CITIZENSHIP	CITY	STATE OR COUNTRY	CITIZEN OF
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	ST. & ZIP/COUNTRY
FULL NAME OF 3RD INVENTOR	FAMILY NAME	FIRST NAME GIVEN	SECOND NAME GIVEN
RESIDENCE & CITIZENSHIP	CITY	STATE OR COUNTRY	CITIZEN OF
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	ST. & ZIP/COUNTRY
FULL NAME OF 4TH INVENTOR	FAMILY NAME	FIRST NAME GIVEN	SECOND NAME GIVEN
RESIDENCE & CITIZENSHIP	CITY	STATE OR COUNTRY	CITIZEN OF
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	ST. & ZIP/COUNTRY

(The latest inventor signed \$1.63 Declaration in the parent application or its predecessors is hereby incorporated by reference. In the event of discrepancy between the Declaration and the list above, the Declaration controls and the list above is amended accordingly.)

☒ [XX] The inventors of the present application are the same as those on the prior application.

☐ [] Please delete the following inventors who were named on the prior application, but are not inventors of the invention being claimed in the present application: _____

aa

☐ The following additional inventors are to be named on the instant application: _____

4. ☐ The benefit under 35 USC §119 is claimed of the filing date of: Application No. _____ in _____ on _____. A certified copy of said priority document ☐ is attached ☐ was filed in progenitor case _____ on _____. Application No. _____ in _____ on _____. A certified copy of said priority document ☐ is attached ☐ was filed in progenitor case _____ on _____.

5. ☒ Amend the specification by inserting before the first line the sentence:

--This is a continuation of copending parent application Serial No. 08/591,651, filed February 12, 1996, now pending, which is the national stage of PCT/US94/08825, filed August 4, 1994, which is a continuation ^{in part} of 08/104,529, filed August 12, 1993, now ^{US PAT NO.} 5,728,325 granted.--

6. ☒ Certain documents were previously cited or submitted to the Patent and Trademark Office in prior applications 08/591,651 and 08/104,529, which are relied upon under 35 USC §120. Applicants identify these documents by attaching hereto one or more form PTO-1449 and/or form PTO-892 listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per 37 CFR §1.98(d), copies of these documents need not be filed in this application.

While an IDS filed under §1.97 must contain a "list of all patents, publications or other information submitted for consideration by the Office", see §1.98(a)(1), the only requirement for the list is that it provide the information set forth in §1.98(b). There is no requirement that a form PTO-1449 be used (MPEP §609 merely says that use of this form is "encouraged") and no prohibition on submitting a copy of a form PTO-1449 or form PTO-892 from a prior case. Indeed, the re-use of such forms is desirable as it avoids error in transferring the information, and evidences that the reference was considered in a prior application. A previously accepted PTO-1449, or an examiner-prepared PTO892, necessarily complies with §1.98(b).

7. If reliance is made on a declaration filed in a prior application, then ☒ The undersigned attorney of record hereby revokes the powers of attorney of:

___ G. KEVIN TOWNSEND, Reg. No. 34,033	___ JOHN E. TARCZA, Reg. No. 33,638
___ JEROME J. NORRIS, Reg. No. 24,696	___ RONALD R. SNIDER, Reg. No. 24,962
___ TERRELL P. LEWIS, Reg. No. 29,227	___ SANDY LIVNAT, Reg. No. 33,449
___ BARRY A. EDELBERG, Reg. No. 31,012	___ THERESA BANTA, Reg. No. 34,543
___ ROBERT K. CARPENTER, Reg. No. 34,794	XX NICK S. BROMER, Reg. No. 33,478

[] The undersigned attorney of record hereby appoints associate power of attorney, to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith to:

___ IVER P. COOPER, Reg. No. 28,005 ___ NORMAN J. LATKER, Reg. No. 19,963

___ *ALLEN C. YUN, Reg. No. 37,971 ___ *NICK S. BROMER, Reg. No. 33,478

(* Patent Agent)

8. [X] The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayments to Deposit Account No. 02-4035:

[X] Any additional filing fees required under 37 CFR §1.16.

[X] Any patent application processing fees under 37 CFR §1.17.

[X] The Commissioner is hereby authorized to charge payment of the following fees, based on any paper filed during the pendency of this application or any CPA thereof, to effect any amendment, petition, or other action requested in said paper or credit any overpayments to Deposit Account No. 02-4035:

[X] Any patent application processing fees under 37 CFR §1.17.

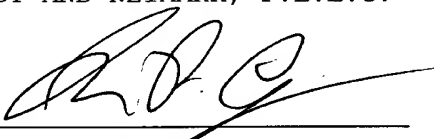
[] The issue fee set in 37 CFR §1.18 at or before mailing the Notice of Allowance, pursuant to 37 CFR §1.311(b).

[X] Any filing fees under 37 CFR §1.16 for presentation of extra claims.

[X] If a paper is untimely filed in this or any CPA thereof by Applicant(s), the Commissioner is hereby petitioned under 37 CFR. §1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR §1.17 to Deposit Account 02-4035.

[X] The Commissioner is hereby authorized to credit any overpayment of fees accompanying this paper to Deposit Account No. 02-4035.

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.

By: 
Iver P. Cooper
Registration No. 28,005

624 Ninth Street, N.W.

Washington, D.C. 20001

Telephone: (202) 628-5197

Facsimile: (202) 737-3528

IPC:lms

f:\user19\wp\lms\c\classe1c.53b